IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION NO : 24631 of 2004

Between:

Gangaram Chenchu Naidu S/o Chenchama Naidu
Yarlapoodi Village, Srikalahasti Mandal, Chittoor District

..... PETITIONER

AND

1 The Executive Engineer, Minor Irrigation,

Srikaklahasti Chittoor District
2 The Superintendent Engineer,

Minor Irrigation, Srikalahasti, Chittoor district
3 The Mandal Revenue Officer,

Srikalahasti, Chittoor district

.....RESPONDENTS

ORDER:

Seeking a declaration that the action of the respondents in not taking any steps to reconstruct Yarlapoodi Village Tankbund in pursuance of the petitioner's representation dated
28-11-2004 as illegal, and consequently seeking a direction to the respondents to

take appropriate action forthwith, the present writ petition has been filed.

A narration of the conspectus of facts may be necessary to appreciate the direction this Court proposes to give.

Petitioner is the President of Water Users Association, Yarlapoodi Tank, Yarlapoodi Village. It is his case that the only source of water to irrigate their patta lands is Yarlapoodi Village Tank. The villagers of Soravaripalli, Yellampadu and Mangalagunta have their source of water for irrigation through another tank by name Yellampadu Tank, but they forcibly trespassed and cut open the tankbund of Yarlapoodi village tank on 27-11-2004, resulting in substantial water flow towards Yellampadu tank. Then, the petitioner-association made a representation to the respondent-authorities on 28-11-2004, and lodged a Criminal Case with Station House Officer, Srikalahasti Rural Police Station. On 15-12-2004, the villagers of Yellampadu again made another attempt to cut open the Tankbund of Yarlapoodi village. But the respondents have not taken any action so far. Hence, the writ petition.

None appears for the petitioner. Heard the learned Government Pleader for Irrigation, and perused the record.

A cursory scrutiny of the material available on record goes to show that the representation filed by the petitioner-association on 28-11-2004 is pending with the respondents. When a representation is pending before the respondent-authority, it is for them to take appropriate decision in accordance with law, and it is not open for this Court to go into the merits of the case at this stage.

In view of the same, without expressing any opinion on the merits of the case, the Writ Petition is disposed of directing the respondent-authorities to consider the petitioner's representation dated 28-11-2004, and dispose of the same on its own merits in accordance with law, if the same is still pending with them. No costs.

23-09-2005

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